

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

MAR 03 2010

BY D. MARK JONES, CLERK
DEPUTY CLERK

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

RUTH ANDERSON,

Plaintiff,

v.

RICHARD MC CHESNEY, BARBARA
MC CHESNEY, JOHN DOES 1
THROUGH 5,

Defendants.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Case No. 2:07-CV-913

Before the Court is the Report and Recommendation issued by United States Magistrate Judge Samuel Alba on February 4, 2010, recommending additional sanctions against Defendants Richard McChesney and Barabar McChesney for failure to comply with previously ordered sanctions and for their ongoing refusal to participate in these proceedings in good faith.

The parties were notified of their right to file objections to the Report and Recommendation within fourteen (14) days after receiving it.¹ Neither party has filed such an objection.

Having reviewed all relevant materials, including the reasoning set forth in the Magistrate Judge's Report and Recommendation, the Court ADOPTS the Report and Recommendation.

¹Notice of the Report and Recommendation was delivered via mail to the Defendants at their address of record and returned undeliverable. The Court finds that service at their address of record gave the Defendants adequate notice. Defendants have not provided the court with an updated address.

Accordingly, the Court hereby:

- (1) GRANTS Plaintiff's Motion for Additional Sanctions for Failure to Comply with Court Order (Doc. 59);
- (2) STRIKES Defendants' pleadings;
- (3) ENTERS order of default against Defendants;
- (4) Makes findings of fact consistent with the allegations of Plaintiff's Complaint as set forth in the Magistrate Judge's Report and Recommendation;
- (5) ENTERS judgment against Defendants jointly and severally and in favor of the Plaintiff for compensatory damages in the amount specified in Plaintiff's Complaint, being One Hundred Thousand Dollars (\$100,000.00);
- (6) ENTERS judgment against Defendants jointly and severally and in favor of the Plaintiff for punitive damages in the amount specified in Plaintiff's Complaint, being One Hundred Thousand Dollars (\$100,000.00);
- (7) ENTERS judgment against Defendants jointly and severally and in favor of Plaintiff in the amount of reasonable expenses, including attorneys' fees incurred by Plaintiff in this action, the amount of which shall be established by the affidavits of Plaintiff's counsel.

IT IS SO ORDERED.

Dated this 2nd day of March, 2010.



Dee Benson
United States District Judge